

Doct. CALE'S LETTER,

TO

8176, aa. 17.
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J. W. Esquire,

CONTAINING,

A NARRATIVE

OF THE

PRINCIPAL MATTERS,

OF A

PUBLIC AND INTERESTING NATURE,

WHICH WERE

SUBJECTS OF THE DEBATES AND RESOLVES

OF THE

GENERAL ASSEMBLY of the Colony of Connecticut,
during their Sessions in May, 1769.

Si Populus vult decipi, decipiatur—

Hæc in Romæ caveto! sed Romæ

Quis non?—

PERS.

HARTFORD:

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Bridge, 1769.

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A Letter to J. W. Esq;

SIR,

I Received your favour of the 11th inst. in which you request, *that I give you* a narrative of the principal matters of a public and interesting nature, which were the subjects of the debates and resolves of the general assembly of this colony, during their last sessions, with my own observations and remarks thereon.

My obligations to you, to the freemen of the town. I have so many years had the honor to represent, and love for my country, all concur to induce me to a chearful compliance with your request; and if any information I can give, will afford you satisfaction, or may in any measure be rendered subservient to the public good, the reflection of having serv'd my country, and oblig'd my friend, will be a sufficient compensation for the pains I have taken, to comply with your request; and how much soever I may have err'd in matters of judgment and opinion, in my observations and remarks; the facts from which they are deduc'd, are founded in truth. What I have undertaken to narrate, are such things as you, and every freeman of this corporation may, and ought to know, and therefore shall leave you at liberty to make such improvement of them as you may think proper.

Indeed, as every assembly on this continent, regularly publish a journal of all their debates and resolves it has long been a matter of surprize to me, that our
A 2 assembly

assembly have never adopted, or that the freemen of this colony have never requested a compliance with that custom, by which every one might be able to judge for themselves, of the rectitude of the measures pursu'd by those to whom the administration of public affairs, are committed. Certain I am, as all our rulers are elected by the freemen, or by their representatives conven'd in general assembly; a journal of their debates and resolves, published by authority, would be a better DIRECTORY to the *freemen*, in the choice of civil rulers, than any knowledge they can obtain by information, as commonly those persons who are most officious, to direct and enlighten the freemen on such occasions, are most actuated by party spirit, or sinister views.

What I now send you, as they are only extracts from my own private journal, I shall avoid as much as possible, inserting the names of those members, who either favour'd or oppos'd any measures or motions made in the house, with a view to raise the reputation of some, or to depress that of others: that is neither my business or design. For them things you must wait, until the assembly shall think proper to submit their debates and resolves, to the examination and censure of the public.

The first thing worthy of your notice was the debates of the house relative to the election of deputy-governor.

The representatives being conven'd in the assembly chamber, the house was formed according to custom, by choosing a speaker and clerk, when the certificates of the due election of the members were read, and the oath prescribed by law administered, they waited on the hon. the governor and council, attended by the

guards,

guards, to hear divine service, which, when performed, they returned to their respective chambers, and made choice of a committee of both houses, to receive, sort, and count the votes of the freemen, which, when perform'd, to make declaration of such as were duly elected. Accordingly, the same evening, proclamation being made, the committee declar'd the hon. William Pitkin, Esq; to be duly elected governor for the year ensuing; the number of votes given in by the freemen, being - - - 4654.
 For the hon. Thomas Fitch, Esq; - - - 2636.
 The whole number of scattering votes being only 117

which makes the whole number of voters, 7407

The votes of the freemen for the hon. Jonathan Trumbull, Esq; to be deputy-governor, amounted to no more than - - - 2752.

For the hon. Thomas Fitch, Esq; - - - 1324.

For the hon. Hez. Huntington Esq; - - - 846.

The whole number of scattering votes for }
 deputy-governor, exclusive of those given in for the hon. William Pitkin, Esq; } 1018
 chosen gov. which were not counted }

Those votes given in for the hon. William Pitkin, to be deputy-governor, which were not counted provided as many freemen voted for deputy-governor as voted for governor, must be, } 1467.

Which makes the whole number of voters, 7407.

Whereupon the committee did not think proper to declare the honorable Jonathan Trumbull, Esq; duly chosen, but referr'd that matter for further consideration, after which the honorable assistants, secretary and treasury last chosen, were again declared

ed duly elected, and proclamation made accordingly; when the honorable William Pitkin, Esq; was sworn to a faithful discharge of his trust, and also took the oath by act of parliament enjoyn'd, and at the same time the assistants, secretary and treasurer were sworn according to law, and then both houses of assembly by order of his honor the governor, were adjourn'd to 9 o'Clock the next morning.

The houses being met according to adjournment, his honor the governor, recommended to the committee of both houses, appointed to sort and count the votes of the freemen, to proceed to finish the business to which they were appointed.

The speaker and house of representatives then return'd to the assembly chamber, and the speaker resum'd the chair—who declar'd to the house he had receiv'd a message from his honor the governor, requesting the committee to give their attendance in the council chamber, to finish the business of election, and the committee withdrew accordingly.

The committee being withdrawn, and joyn'd by the committee appointed by the upper house, the house taking into consideration the importance of the resolution of the question lying before the committee, a motion was made, and two members accordingly sent by order of the house, to acquaint them, that it was not the expectation of the house, they should undertake to determine that important question, but to report the facts.

Whereupon the committee after receiving the message, return'd to the house, and reported as before-mentioned.

The house then entered upon the determination of that question, VIZ. Whether governor or deputy-governor,

governor, not having a majority of the whole number of voters, is duely elected according to charter. The dispute being lengthened out with much calmness and deliberation, the whole day, the house was then adjourn'd until saturday morning 8 o'clock.

Being met according to adjournment, the house again entred upon the arguments which being ended the question was put, whether the house would proceed to the election of deputy-governor, which was resolv'd in the affirmative.

Previous to the house proceeding to the election, it was urg'd by a member, that the right of electing was by charter vested in the assembly, acting as one *corporate body*, and therefore the votes of the assistants and representatives ought to be promiscuously counted, that if either house had a right to negative, it was not the free election of the assembly, acting as one *corporate body*, and in support of his opinion and construction of the charter, urg'd the practice of the assemblies of the *Massachusetts-Bay, and Rhode-Island*, whose charters in that case is similar to the charter of this colony---which opinion not being supported by any of the members, the house proceeded to prepare and deliver the votes on the table, which being counted by the speaker and clerk, the speaker acquainted the house,

The hon. Jonathan Trumbull Esq; had 74 votes.

The hon. Thomas Fitch, Esq; 53

The hon. Jabez Hamlin, 1

Whereupon the hon. Jonathan Trumbull, Esq: was by the speaker declared duely elected, and a bill prepared by the clerk and sent to the honorable upper house for their concurrence.

Upon the foregoing proceedings of the assembly
in

in making choice of a deputy-governor; I beg leave just to remark that there has been but few instances, wherein the governor & deputy governor, have not had the majority of all the votes of the freemen, but whenever that happens I trust the more judicious part of the freemen, would think it a very great stretch of power exercised by the assembly, to declare any one duly-elected, who should appear, nor to have more than a third part of the votes of the freemen; it is evident by charter the freemen have the right of election, or that their representatives may elect for them, this they always do in case of the death of the governor, and as this right is lodg'd with the representatives of the freemen, whenever the votes of the freemen do not make a majority, it is beyond all doubt clear the representatives have the right of electing, if it should once be fix'd and settled as a rule, that the person who has the greatest number of votes, is duly elected, it would be no great difficulty upon any popular commotion for a few designing men, so to divide the honest unguarded freemen, as that one third, or one quarter part of the freemen, would be the greatest number, and by this rule, the freemen of this colony be subjected to be rul'd and govern'd by a *faction*--- and therefore hope you will be fully convinc'd that two days was well spent in establishing this rule or precedent; but give me leave to say, that the practice of our assembly in electing any officer of the government by bill, in either house, which the other may negative, is inconsistent with the very notion of a *free election* of the assembly, acting as a *corporate body*; and is neither agreeable to the spirit and meaning of our charter, nor to the practice of our sister colonies, whose charters are similar to ours in the article of election:

lection. * In the province of the *Massachusetts-Bay*, where the freemen or their representatives in general assembly have by charter the right of electing none but the counsellors. The votes of the *counsellors*, and the votes of the representatives, are promiscuously counted in the choice of counsellors. And in the colony of *Rhode-Island*, for the purpose of election, both houses resolve themselves into one *corporate body* or *house*, and the elections are unitedly made, by the assembly, acting as one *corporate body* or *assembly*. But in this colony (where we have always understood the powers and priviledges of the *freemen* and their *representatives* by charter are at least equal to either of the other charter colonies) while the hon. board of assistants retain the power of negating any officer elected by the assembly, the privilege of the representatives in electing is reduc'd to a meer *nominal* priviledge, viz. they have the privilege to elect any officer to be elected by the assembly, *provided* the governor (or if absent, or remov'd by death) the deputy-governor, and the major part of the assistants present, shall think proper to indulge them with that priviledge.

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* The account respecting the mode of election of counsellors in the province of the *Massachusetts-Bay*, I received from the mouth of two of the first counsellors of that province, when last in Boston. The account from *Rhode Island*, I received from a gentleman of the first character in *Newport*, by his letter dated 22d July, 1769, in the following words: "Judges of courts, justices, sheriffs, clerks of courts, all military officers in commission, are appointed by both houses joined together in which the governor presides; the governor, deputy governor and council, have but single votes; they act as a joint committee, but not as two branches of legislature, without any negative upon one another." — The charters of these three colonies are now before me; and so far as I am a judge of words, in the article of election by the assembly, in each colony, the words are similar, and the meaning the same.

ledge.——Ex. Gr. upon the death of the governor, before the day of election prefix'd by charter, the assembly have a right to elect a governor, to supply the vacancy made by the death of the former governor. But by this method of election, adopted by our assembly, if the whole house of representatives give their votes for one single person, it is in the power of the deputy-governor, with the concurrence of three assistants (if but six are present) to negative the united and unanimous vote of the whole representative body of the freemen of this colony.

This method of electing, adopted by the general assembly of this colony, has such conveniencies attending it, which I make no doubt the hon. board of assistants are duely sensible of, which will render an alteration of the mode of electing, very difficult to be attain'd.

1st. It effectually secures to the members of that honorable board every place of honor and profit which the assembly has a right to confer, and which the members of that house have a desire to obtain.

2d. It secures to them the homage, influence, and devoted services of all those who may at any time happen to be members of the assembly who are court-
ing favours or preferments.

3d. It puts a rod in the hands of that board, (if at any time any happens to be members of it who have a disposition to act arbitrarily) to correct and chastise any members who sustain any place of public trust, who may be dispos'd to speak their sentiments with freedom, and act conformable thereto, frankly and openly, as becomes the representatives of a free people; and therefore such a power ought never to be lodg'd in such hands, in a free state. To conclude

It gives the governor and council of this colony, if they should be men of the same temper and disposition of gov. B-----d, the same power given him by the explanatory charter of the *Massachusetts-Bay*, under pretext of which, he may vent his own personal pike against any who are not so *servile* as to come into all his measures, with this difference, he can negative only the councellors elected by the assembly, but it is not in his power to negative a single justice of the peace, when once appointed by advice of council, without their consent and concurrence, even for male administration. But the power of negating by the governor and council of this colony, not derived from *charter*, as a *prerogative of the crown*, but gained by *usage and custom*, extends to all officers elected by the assembly—Thus we have seen the attempts of the representatives of the freemen, to make an alteration in the superior court, rendered abortive. Perhaps you will say, when the minds of the freemen, express'd by their representatives, is fully known, to be fix'd and determinate, the assistants will not prove inflexible—But let me remind you, when the house of representatives refus'd to permit a deputy-governor to be declared duly elected, for this very obvious reason, because he had not the major vote of the freemen. The hon. board refus'd to make an election and the whole charter privileges of this colony was suspended upon the single thread of life, of an aged but very worthy governor, from the sessions of the assembly in *May*, to their sessions in *October*, call it *steadiness*, or *inflexibility*, or whatever else you please.

The next thing worthy of your notice relates to the bills of abatements on the colonies taxes sent in by the several collectors in this colony.

It appears the assembly at their sessions in May 1768, pass'd an act, enabling the civil authority to grant bills of abatements on the lists of persons, who they judg'd might truly and justly take the *poor-man's-oath* as it is call'd; by this law I understood by the auditors account of those matters, very considerable abatements had been made in several towns, this law although made for the direction of the civil authority in those matters it seems has never been printed, with the other public acts of the assembly which I think ought to have been done more especially as it appears to be in direct opposition to or rather superceeds another law in Fol. 322, which obliges the several towns in this colony, to pay the taxes of such poor, as shall be admitted to take the oath in that case made and provided; for my own part I never heard or knew of such a law, until I read it in the records, in the assembly-chamber at Hartford. And had any one applied to me for abatement of taxes, by virtue of that law, I should have denied them the advantage of it. I think every law made for the direction of the various officers of the government, ought to be inserted in the printed code, or body of laws.

The auditors of the public accounts, inform'd the house, that very large abatements had been made in some towns, and sent in for allowance, which exceeded others, in proportion to the lists of the several towns, desiring the advice of the assembly, how to conduct for the future, relative to said matter.

This representation greatly excited the attention of the house, and was the subject of several subsequent debates; whereupon the house directed the auditors to lay before them the sum total of all the abatements sent in by the several collectors, since the year

year 1755, which was accordingly done: and as they appeared to me to be very extraordinary, I carefully copied them from the account the auditors produced before the assembly; and in order to compare the said abatements with the lists of the several towns, I also carefully copied from the public records, the lists of each town in this colony, as they were sent in to the assembly in October last, exclusive of the additions, in which I carefully endeavoured to avoid any mistakes, and believe there is none; but you will observe, that I have omitted the shillings and pence in the lists, inserting only the entire pounds. You must likewise note, the lists of the twons of *Windjor* and *East-Windjor* are included in one; also, the towns of *Middletown* and *Chatham*, and the towns of *Fairfield* and *Reading*, as they were made distinct towns, since the computation of the abatements first took place; a copy whereof I herewith send you, and have annexed the abatements in each town; by which it evidently appears, that there is a very great disproportion in the abatements of the several towns, compared with their respective lists: and whether that can be reconciled with equity, and the rules of the law, shall not pretend to say, but leave you to determine.

The lists and abatements are as follows, viz.

Towns.	Lists.	Abatements.		
Bransford,	22606	46	0	0
Canaan,	13341	168	18	8 1 far.
Cornwall,	06931	39	13	10 3 far.
Danbury,	25003	66	3	10 1 far.
Durham,	12092	33	16	10 1 far.
Derby,	17045	88	8	1
Farmington,	58504	277	6	8 ha pen.
Guilford,	33940	209	3	4 ha pen.
Simsbury,	27773	144	19	6 ha pen.
Goshen,	10658	33	6	11

Milford

Towns.	Lifts.	Abatements		
Milford,	28559	85	8	0
Haddam,	15052	82	16	9 3 <i>far.</i>
N. Fairfield,	12016	10	4	6 <i>ha. pen.</i>
Killingworth	18633	52	11	8
Newtown,	26197	75	12	10 <i>ha. pen.</i>
Woodbury,	50553	244	16	6
Greenwich,	22137	284	11	0 3 <i>far.</i>
Saybrook,	25822	152	4	7 <i>ha. pen.</i>
Litchfield,	20147	217	9	8
Waterbury,	32291	291	8	6
Stanford,	31448	107	5	0
New Milford	23717	117	16	8 <i>ha. pen.</i>
Norwalk,	39977	290	3	2 <i>ha. pen.</i>
Weathersfield,	31493	299	14	7
Fairfield,	61079	307	9	2 <i>ha. pen.</i>
Middletown,	60937	527	1	10 1 <i>far.</i>
New Haven,	62306	994	4	7 3 <i>far.</i>
Hartford,	42628	542	9	1
Kent,	15829	139	14	7 <i>ha. pen.</i>
Suffield	18904	83	18	6
Harwinton,	06725	111	2	1
N. Hartford,	06992	60	8	10 <i>ha. pen.</i>
Ridgefield,	16923	59	16	2
Stratford,	47996	484	7	8 1 <i>far.</i>
Salisbury,	14706	254	2	8 <i>ha. pen.</i>
Sharon,	15615	219	11	2 <i>ha. pen.</i>
Torrington,	05431	60	3	2 <i>ha. pen.</i>
Windsor,	48371	458	4	0
Wallingford	49723	369	3	6
Coventry,	21574	204	4	8
Voluntown,	12614	180	4	5 <i>ha. pen.</i>
Willington,	6972	46	12	11
Pomphret,	24927	207	13	7 <i>ha. pen.</i>
Enfield,	12390	98	13	11 <i>ha. pen.</i>
Ashford,	15571	315	13	5 3 <i>far.</i>
Lebanon,	40949	449	12	10
Groton,	25248	284	16	1
Canterbury,	19239	364	1	10
Somers,	8454	67	5	4 <i>ha. pen.</i>
Lyme,	26941	588	10	4 1 <i>far.</i>

Towns.	Lifts.	Abatements.			
Bolton,	9771	78	7	11	1 / ac.
Tolland,	13080	60	3	2	ha pen.
Glastenbury,	16017	263	16	3	
Mansfield,	20167	248	7	11	ha. pen.
Colchester,	22482	171	9	6	ha. pen.
Stafford,	9593	265	17	7	ha pen.
East Haddam,	25923	201	3	2	ha. pen.
Woodstock,	20000	250	6	0	
Hebron,	21071	260	17	6	
Windham,	30652	178	18	10	ha. pen.
Preston,	23328	189	17	10	ha pen.
Stonington,	38058	384	16	3	1 far.
Plainfield,	13700	316	0	3	ha pen.
Norwich,	64423	500	12	2	ha. pen.
Killingly,	25359	537	0	3	far.
New London,	36959	1098	6	0	
Total,	1689779	15904	17	0	

The next thing worthy of your notice & attention & which in my opinion, demands the notice and attention of every freeman of this colony, was, the memorial of the *hon. Eliphalet Dyer*, &c. in behalf of the *Susquebannab company*, praying that the assembly would make a deed of *Lease and Release*, to the said company, of a large tract of land, lying on the branches of the *Susquebannab river*, beginning ten miles east of the easternmost branch of said river, extending north and south seventy miles, and in longitude east and west one hundred and forty miles.

The honorable *E. Dyer* appearing as their agent before the assembly, spoke largely upon the subject, shewing the great advantage the making such a grant to the *company*, would be to this colony, as the settlement of those lands on the *Susquebannab river*, would raise the value of those lands lying stil further westward

ward, which lands he conceivs, are the properties of this colony, and included within our charter. The Sale of which he said, would raise immense sums of money, and prove a fund of wealth to this colony, sufficient to support all the future charges and expences of government, but what I thought seem'd to lye *nearest his heart* was, he said it would be the means of spreading the gospel among the heathen natives of this land, who sit in darkness and in the *regions of the shadow of death*.

Both houses having heard him largely upon the subject, his honor the governor delivered the memorial to the speaker who with the members, return'd to the assembly-chamber, when the house by order of the speaker was adjourn'd to 2 o'clock afternoon.

And being again met, the memorial came under the consideration of the house, when the question was put, whether in the determination of that memorial all the several members who were proprietors, ought not to withdraw.

Resolv'd in the affirmative. Then the question was put, whether those members who stood in so near a relation to the proprietors, as would prevent their judging in a case at law, should likewise withdraw in the determination of that memorial, Resolv'd in the negative. Then the question was put, whether the house would do any thing on that memorial, Resolv'd in the negative, 49 members being in the negative, and 46 in the affirmative.

When the clerk had made the proper entries on the memorial it was transmitted to the honorable board of

I readily own, I was not a little surpriz'd to find on enquiry, that this memorial was negativ'd but by three voices in the house of representatives, but still look'd upon the affair safe, when I reflected upon the

wrote

wanted steadiness, wisdom and prudence of the honorable board, but my anxiety was not a little encreased, when I was told, the hon. board at the adjourn'd assembly held in January last had unanimously granted the same memorial, or one of the same purport : as I had never heard till then, such a memorial had been prefer'd to the preceeding assembly, I requested a perusal of the files of that session, and, on said memorial I found the following entries made, viz. General-assembly Jan. 1769. In the lower house the question was put, whether they would do any thing on this memorial ; Resolv'd in the negative.

Test W^m. Williams, Clerk.

In the upper-house on the question whether this assembly will transfer unto the memorialists all the colony's right to the lands mentioned, and a proper instrument for that purpose be made resolv'd in the affirmative;

Test G. Wyllys, Secretary.

In the upper-house, M. Griswold and R. Sherman, Esqrs. are appointed a committee to confer with such gentlemen as the lower house shall appoint on the different votes of the houses on this memorial,

Test G. Wyllys, Secretary.

In the lower-house, Mr. Silliman, Col. Chester, & Mr. Chandler, are a committee for the conference above.

Test, W^m. Williams, Clerk.

As we have no journal of the house published, doubtless you and many others, as well as myself, had not heard any such memorial had been heard at that session, at which we were told no new business was to be transacted, but to finish up the private business of the assembly, which lay behind, and to receive the final report of the auditors respecting the treasury. However, notwithstanding the failure of this memorial at this time, the *Hon. Col. E. Dyar* had the address

address to prevail with the house, to admit a second, and to have it continued to the sessions in *May* last.

26th May, P.M. The Memorial of the *Susquehannah* company, this day was returned to the lower house, with the following entries made thereon.

General Assembly, May, 1769. In the lower house the question was put, whether the house would act any thing on this memorial? Resolv'd in the negative

Test,

W. Williams. Clerk.

In the upper house, the question was put, whether this house will act any thing on this memorial. Resolv'd in the affirmative.

Test,

G. Wylls, Sec'ry.

In the upper house, on the petition, &c. agents for the *Susquehannah* company, *R. Skerman*, and *R. Walker*, Esq's are appointed a committee to confer with such gentlemen as the lower house may appoint on the different votes of the houses on said petition.

Test,

G. Wylls, Sec'ry.

Which entries being read, a committee was join'd accordingly by the house, and the following entries made.

In the lower house, *Mr. Wetmore*, *Mr. Silliman*, *Col. Brainard*, and *Mr. Chandler*, are appointed a committee for the conference abovesaid.

Test,

W. Williams, Clerk.

During the time the committee had this petition under consideration, a member in opposition to the granting the same, proposed to some other members, in the opposition, whether it might not be a prudent step (that as there was great danger least the same might be granted, as there was unwearied pains taken with the members in the opposition, and as it had been twice granted at the hon board) to have a protest ready drawn, in order to be sign'd and enter'd

in the journal of the house, that in case the petition should be granted, they might exculpate themselves to their constituents, which measure being approv'd of by sundry members in the opposition, one was drawn up accordingly, which, as it contains the principal objections against the granting the petition, I now subjoin a copy of it. Omitting the introduction,—

—“ And for reasons of our thus publicly protesting, do assign,

1st. It appears by the royal grant or charter, that upon the petition of *John Wintbrop*, Esq; and others, of his Majesty's loving subjects, principally interested in the colony of *Connecticut*, representing that the same, or the *greatest part* thereof, was purchased for valuable considerations, and some other parts gained by *conquest*. Whereupon his Majesty was graciously pleased to grant unto the governor and company of this colony, all the lands mentioned within the limits of our charter—and as the petitioners at the time of obtaining our charter, had neither *purchased or conquered* any lands beyond our present limits, the charter cannot be construed to extend beyond the purchases or conquest made, as they were the very considerations on which the grant was obtained.

2dly. Our charter giving and granting to the governor and company of this colony, all the lands circumscribed therein, is in the words following, viz.
 “ Bounded on the east by Narraganset river, commonly called *Narraganset Bay*, where the river falleth into the sea, and on the north by the line of the *Massachusetts* plantation, and on the south by the sea, and in longitude as the line of the *Massachusetts* colony, running from east to west, that is to say, from the *Narraganset-Bay* on the east, to the sea on the west part, with the islands thereto adjoining.”

"ing." The limits of which grant must be understood to mean, *either* to run a straight line from the first mentioned boundary or station, parrallel with the south line of the *Massachusetts-Bay*, to the south seas, which will exclude great part of the lands now granted to the petitioners—or it must mean to run a straight line from the first station, to the easternmost bounds of the lands then in actual possession of the *Dutch* on the sound, continuing the same course to the *south seas*, which will include not only the lands granted, but the city of *Philadelphia*, or it must mean that our southern bounds is the sea, continued to the *south seas*, which will include not only the lands granted, but all *south America*, not at that time in actual possession of any foreign prince.

3dly. If a parrallel line with the colony line of the *Massachusetts-Bay*, is the true construction of our southern bounds, we can hold those towns and lands south of said parallel line, only by virtue of the settlement made with *New-York*, A.D. 1683, and confirmed by King and council, which settlement must also limit our western bounds to the line fixed by the commissioners, as at that time we had neither *purchased or conquered*, or even *claimed*, beyond the province of *New-York*.

4th. As our charter includes all the lands westward of *Narraganset-Bay*, and we are precluded holding the lands called *Narraganset*, only by virtue of an agreement made in England, between *John Winthrop*, Esq; on the part of this Colony and *Mr. Clarke* agent for the colony of *Rhode-Island*, without any special appointment of the colonies, we may justly conclude, that the settlement made with *New-York*, by agents specially appointed, and confirmed by king and council, must be conclusiye as to our bounds westward.

5th.

5th. As the grant made to the governor and company at our eastern boundaries, doth not exceed sixty miles north and south; the form of government prescribed by charter cannot be exercised, if constru'd to extend to the south seas, which is an extent of more than three thousand miles, and the grant constru'd to be gained by surprize, from a defect of the knowledge of the longitudes and latitudes of this continent, at the time of the grant.

6th. That this colony will be equally obliged to protect and defend the proprietors of the lands granted, as they are to protect and defend the title of lands within the limits of *Mr. Mason's claim*, or any other grants made by this colony, altho' by their local bounds, they cannot be comprehended in the form of government prescribed by our charter, contribute to the expences of this government, and whose trade must inure to the emolument of the capital of *Pennsylvania*, with whom this grant will inevitably involve this government in a controversy dangerous in its consequences.

7th. The encouragement of such a settlement, will prove ruinous to this colony, by the emigration of its inhabitants, thereby encreasing our taxes, and lessening the value of our lands.

8th. The vote of the *Susquehanna* company, to admit the *Paxton men* (as they are call'd, who are the malecontents of *Pennsylvania*) has rendered it dishonorable for the legislature of this colony to countenance their claim."

By this protest, prepar'd in case the lower house should have re-considered, and concurr'd with the honorable upper house, you have a view of the sentiments of those, who were in the opposition.

The committee appointed to confer with the committee

mittee of the honorable upper house, on the 30th of May, reported the arguments urged by the committee from the honorable board, when a member mov'd that a concurrence might be try'd. But as several members were apprehensive that if a concurrence had been try'd at that time, it would have been carried in favour of the petitioners, another member urg'd, that it might be try'd, whether the further consideration of that memorial should not be referr'd to the sessions in *October* next, which motion being urg'd by others, the question was put, and the same was voted accordingly, when you, and every freeman of this colony may exert yourselves as you judge the merits and importance of the case may require.

Giving and granting to the Memorialists the territory pray'd for, which is of larger extent than the present limits of this colony, I esteem a matter of very great importance. Our making such a grant, supposes we have a clear and indubitable right to it, and a mistake in this matter may be attended with very serious consequences, both to the *grantors* and *grantees*.

To carry into execution the settlement of so large an extent of territory of uncultivated lands, would make a very great draft of men and money from this colony, and would exhaust us to that degree, that this colony would not recover itself from the inconveniencies attending it, in one intire century.

Should our title prove insufficient to support our claim, the loss of so many of our inhabitants would be insupportable, and the difficulties to which our friends would be expos'd by their emigration, must excite very serious reflections to every compassionate mind.

Let us first view it with regard to ourselves, who remain behind. Many towns will be in a great measure

sure depopulated of its inhabitants, from their enthusiasm of colonization, which will become as communicable as an infectious disease. Our wealthiest farmers impoverish themselves, by purchasing imaginary wealth, in lands which for want of labourers, in a few years will appear like the *field of the sluggard*, and the possessor, with all his imaginary wealth, become a poor man: his enlarg'd farm, in the compass of a very few years, will not sell for half the money it would have done, before its enlargement,---many comfortable houses become useless, unless for fuel, which before secured from the injuries of the weather, many honest, useful labourers and mechanics, who on their small farms supported, (if not in affluence) yet above want, numerous families---by whose emigration, our lists will be lessened, our taxes encreas'd, our clergy (already too scantily supported) impoverished, unless by these *wise concerted schemes* it is proposed to lessen the number of our parishes, in proportion to the number of inhabitants. What a figure must a town or society make, to view several adjoining tenements in the centre of a town or society, which us'd to support several numerous families, thrown up to *grazing*! you will cease to wonder these things make such an impression on my mind, when I tell you I have the daily depopulation before my eyes. This is, my friend, no chimera. This will, in a greater or lesser degree, be the consequence with regard to us, who remain behind.

On the other hand, let us take a view of what we may rationally suppose will be the consequence, with regard to those whom we encourage to emigrate from us.

Let us suppose this new colony in its infant state;
situated

situated in a wilderness, open north and west to the excursions of the savages, seperated on the east from our western settlements by a chain of mountains, and bounded south by *Pennsylvania*. In such a situation, to what distress must they be reduc'd on the first rupture of an Indian war! of that you will perhaps say there is no danger, while all the out posts are in the hands of the kings troops. But, sir, are not we at present under alarming fears on that account? may we expect peace while the savages can be supply'd with arms and ammunition to fight us, with spirits to intoxicate them, or while there is one Frenchman, or one Romish priest, on the continent of *North-America*, to spirit them up to acts of cruelty and revenge? They doubtless must expect to meet with difficulties of that kind, before ever they can be settled down in a state of security and defence; and in their distress who will afford them aid? Will the proprietaries of *Pennsylvania*, who I conclude will think they have unjustly invaded their property? Will the province of *N. York* who cannot have any connections with them by commerce? must it not infine be from this colony, who have encouraged their emigration? And who are and will be strongly connected by blood, and the sacred ties of friendship; &c thus this colony will necessarily be dragg'd into the expence of maintaining troops for their support, unless we can suffer them to be massacred or captivated by the savages, and their settlements broken up, and to have our eyes shock'd by the sight of savage cruelties, on the bodies of our friends, who escape the fury of the enemy, barely with their lives, and our houses fill'd with our returning friends, reduc'd to beggary and want, by their flight! these must be but part of the inevitable consequences and horrors attending an Indian war. But allowing they should not be harra-

sed

fed by an Indian war, and Mr. Penn permits them to make their settlements in peace and quiet, as he most certainly will, if he understands his own interest; he will acquire a number of tenants, just such as he wants to place on his frontier settlements, men us'd to industry, labour, hardy, and bold; who, as soon as they have quitted all connections and interest in this colony, and acquired settlements which they would unwillingly relinquish, they must become tributaries to Mr. Penn, or be ejected from their possessions. And if the *Possé Comitatus* shall be thought insufficient to disseize them, no doubt Mr. Penn will have interest enough with the *commander of his Majesty's peaceable troops*, supported in *America*, to aid the *civil magistrate*, to dragoon them into a compliance, as they were *honorably* employ'd against *Pendergast* in the province of *New-York*, to quiet his Majesty's subjects in the peaceable enjoyment of their *Manors*, without the trouble and expence of a suit at law. And thus Mr. Penn will have his frontiers settled, and his lands tenanted, and well cultivated from the colony of *Connecticut*, which will be depopulated by their emigration. There is no *hyperbole* in all this—this will be the least which may be expected; allowing we should make such a conveyance as would not endanger the colony in a law-controversy, with an antagonist, who would not have occasion to apply in *Forma Pauperis* to the King's exchequer for monies to carry on the suit, as Mr. *Mason* has done, which has cost this colony thousands, the end not yet come, and the issue as yet at least uncertain.

It is true, the petitioners ask for nothing more than a deed of *Lease and Release*. But why a deed of *Lease and Release*? a mode of conveyance never us'd.

in this colony, which puts first the *Leassee* into quiet and peaceable possession, and then releases the *fee*. I conclude this sort of conveyance was ask'd for by the petitioners, because it would perhaps be look'd upon as a conveyance of a lower nature than a *Quit-claim deed*. But let it be noted, this sort of conveyance is constantly made use of in *England*, in all places except the *Manor of East-Greenwich* in *Kent*, where they hold their lands in *fee-simple*, as in this colony, and is the mode of conveyance us'd in most of the King's provinces in *America*, where the lands are subject to a *quit-rent*. Although I do not pretend to be learn'd in the law, yet I am fully assured, that the land-holders in *England*, and in the King's provinces in *America*, who hold their lands by deeds of *Lease and Release*, esteem them a better security than mere *quit-claims*; in some cases I know, if not in all, they are of equal force as a deed of *warranty*. But, Sir, perhaps you may not be fully acquainted with the rise and origin of this company; which I will give in as concise a manner as I am able, and then dismiss the disagreeable subject.

A.D. 1753, a number of gentlemen voluntarily assum'd to themselves the name and character of a committee, to receive the subscriptions of those who would become adventurers.

A.D. 1755, the proprietors being considerably increased, they apply'd to the general assembly for the right of this colony to the lands pray'd for, having previously obtained a deed of the heads of several tribes of Indians claiming the same, paying therefor, *bona fide*, a valuable consideration in money. The assembly at that time, wisely avoided doing any more than recommending the purchasers to the royal favour.

About

About this time, several gentlemen foreseeing this company might in time form into something which might prove dangerous to this government, became adventurers, with views of regulating their measures, and for to prevent the mischievous consequences which they foresaw might probably ensue from such a spontaneous production from among ourselves, under no public regulations, or accountable in any measure to the authority of this government.

About the time of the return of *Jared Ingersoll*, Esq; from his agency at the court of *Great-Britain*, the *Susquehanna* company were strongly urg'd (whether from the ambition of some principal members or not, I will not presume to say) to send an agent to *Great-Britain*, to solicit an incorporation of the company. — Soon after Mr. *Ingersoll*'s return, or just before his arrival, Governor *Fitch* received letters from one of his Majesty's principal Secretaries of state, requiring him to interpose his authority to prevent the settlement of those lands, as it might excite the natives to acts of hostilities. Accordingly the governor, by order of the assembly, issued a proclamation, forbidding the settlement of those lands: upon which a meeting of the company was call'd, at which a letter from *Jared Ingersoll*, Esq; was also read, requesting them to desist from that enterprize, to divide the remaining monies; shewing the hazards attending such an undertaking; at which meeting I attended as one of the proprietors. At which time it was evident the resentments of the company at the proclamation and letter, were very apparent; and I do very honestly own, I did not feel myself well satisfied, either with the letter, wrote by Mr. *Ingersoll*, or the proclamation, issued by governor *Fitch*; and it still remains a question,

tion in my mind, whether the resentments rais'd thereby, had not some influence to excite the *sons of liberty* in that quarter of the government, to distinguish themselves so eminently above their brethren, in other parts of this government, who, I conceive, would as unwillingly submit to chains, vassalage and slavery, as those who so exerted themselves in so distinguishing a manner. — But of this by the bye.

My design in attending upon this meeting at that time, was to use my utmost endeavours to prevent, if possible, an agent's being sent to *Great-Britain*; for if we had any right to those lands, it was already secured by our charter, unless we had secluded ourselves, by the settlement with *New-York*, A. D. 1683, and therefore wanted no confirmation of our title, and that if it was not secured by our charter, there was no doubt but the right of the crown was vested in Mr. *Renn*. However, as we had not at that time sufficient monies in stock, to support the *brilliant appearance* of an agent at the court of *G. Britain*, it was deferred for that time, & for acquiring the same, frequent meetings of the company were call'd — more lands ordered to be sold, at an advanced price, until a sum adequate to the importance of such an embassy, was lodg'd in the company's treasury; and not long after, the Hon. *Eliphalet Dyar*, notwithstanding all opposition, was elected their agent, who receiv'd the monies, and embark'd for *Great-Britain*, A. D. 1763 — where, during his short residence, he obtain'd the favour of several of the nobility of the first rank, who became interested in the undertaking by his influence, and made a most *rapid progress* in the company's affairs, until he was oblig'd to return, in order to discharge the *important office* of Comptroller of his Majesty's Customs,

Customs, at the port of *New-London*, which was conferr'd upon him, without *fee or reward*, by Mr. *George Greenville* (at that time Chancellor of the Exchequer) who first projected the plan of raising a revenue in *America*, by *stamp papers*. Being oblig'd by this trust, devolv'd on him by the crown, to return to his native *country*, he was obliged to constitute a SUB-AGENT, a gentleman learned in the law, with whom he lodg'd the remainder of the monies belonging to the company, not *before expended*, as also all the writings belonging to said company that he carried with him; from whom, after his return, he received sundry letters, replete with the most favourable accounts of the most prosperous situation of the company's affairs, of which the company were advertiz'd in the public papers, about the beginning of the months of April and September, for several seasons periodically.

But it unhappily fell out, our new substituted agent, having urgent business which call'd him down into *Wales*, a little before Dr. *Johnson's* arrival in *England*, from whence I cannot learn he has return'd, or been ever hear'd of since: from which unlucky incident, the company's affairs have not been negotiated with that success we had the most sanguine hopes from the reasons given us to expect.

The company being thus unexpectedly depriv'd of their Agent, by which means the expected act of incorporation was not obtain'd from the crown, and the Indians having settled the boundaries between the crown, and the lands not ceded the last summer at *Fort Stanwix*, the company came to a resolution, to encourage the settlement of those lands, with five hundred able and effective men, the last spring, and

to make good the deficiency of an act of incorporation from *Great-Britain*, as was at first propos'd, a memorial was by the vigilance and activity of the hon. *E. Dyer*, prefer'd to the adjourn'd sessions of the assembly in *January* last, as above recited, which failing as before related, another was immediately prefer'd, which now lies before the assembly for their determination as before mentioned.-----Thus Sir, I have gone through this affair, and have given you an honest representation of the case, from its first origin, to this time, and as you, and every freeman of this colony are deeply interested in this affair, you will act as you think prudent, in the case, & instruct your members accordingly. For my own part I view the affair with concern, both with regard to those who have already, or shall hereafter emigrate from us, and for the future peace and prosperity of those they leave behind.

I had almost forgot to mention one thing, which was early mov'd, and was repeatedly attempted, during the course of the sessions, to have been affected, viz. A motion was made by a very worthy member, early in the sessions, that a committee might be appointed, to be joyn'd by some members from the hon. board to bring in a report, what methods might be pursued by the assembly, to prevent the multiplicity of private business bro't before the assembly, which greatly prolongs their sessions, & retards the public business of the government. This motion was readily comply'd with by the house, and a committee join'd from the honorable board, who reported their opinion to the house; which not being quite agreeable to the mind of the house, an addition was made to the committee, who return'd to the business of their appointment

ment, and again reported to the house, which report was read and approv'd by the house, and transmitted to the hon. upper-house for their concurrence, which report being properly canvass'd at that board, was dissent'd to, and indeed in my opinion, several important objections might justly be made against it, whereupon the same worthy member who first mov'd in the affair, again mov'd to the house, for liberty to bring in a bill for that purpose, and liberty was accordingly granted him, which bill was brought in, the purport of which to the best of my remembrance was, that the house should attend wholly to the public business of the government the two first weeks of the sessions, which being compleated, four members out of each county should be chosen by the house, to sit, hear, & determine, the private business, together with the hon. upper-house, who should receive the same pay, as fix'd for the members of the assembly, and that the pay of the other members, if any chose to tarry, should cease, by whom the private business of the government might be transacted to as good acceptance and at a much less expence.

This bill was twice read, when the member who brought it in was oblig'd to leave the house. About the same time I also returned home, and cannot say whether it was afterwards acted upon or not.

I was well pleas'd with this bill, as no private business was to be transacted until the public business of the government was finished.

Transacting the public and private business of the assembly promiscuously, most commonly retards the most important business of the government to the very close of the sessions, when many members are return'd home, the private business of the assembly being

ing either greatly encreas'd, or the gentlemen of the law, have adopted too prolix a method of handling those causes, of late, which I shall not pretend to say, but the truth is, the private business has produced one adjourn'd assembly the last winter, which is the first I ever knew held in this colony, for transacting the common and ordinary business of this government, notwithstanding which, if I am not misinform'd, the house did not finish the private business of the assembly which was continued from the adjourn'd winter sessions, untill the 26th day of May, which was the 18th day of the last sessions---This alone may serve to convince us, of the necessity of adopting some new measures of lessening the private business.

One thing in an especial manner which is always left to be transacted at the close of the sessions in a thin house, which I humbly conceive ought to be transacted at the beginning, and in a full house, viz. Granting the salaries of governor, deputy-governor, &c. by this means I trust (sure I am it did not result from the reason and nature of the case) those salaries has been doubled upon us within the compass of a very few years, if my memory serves me, since the commencement of the last war, which I am told was bro't about after this manner.

After the commencement of the last war, the business of his honor the governor was greatly increased, the assembly tho't proper to allow him a gratuity for extra services which was gradually encreas'd, until it amounted to a sum equal to the stated salary.

At or about the close of the war, a number of Queries was sent by the secretary of state, or the *Board of Trade*, requiring proper answers to be made to them, among which questions, this was one, viz. What salaries

laries was allow'd to the governor deputy governor, &c. and how paid? As the falleries of governor, deputy governor, &c. of this colony have always been vastly short, of the falleries allow'd to governors of the kings provinces, it was tho't by some, below the dignity of government to have it known in Great-Britain, for how small a gratuity the governor of this colony discharg'd that important trust; whereupon it was mov'd by some, that the sum allow'd to his honor the governor, for extra services, should be annexed to his fallery, which was accordingly done, and half that sum granted to his honor the Deputy Gov. which sums have been their fixed falleries ever since, so that at present, his honor the deputy-governor, has the same fallery, which the governor had at the commencement of the last war: Perhaps you will say, the fallery as it now is, falls vastly short of the falleries of the governors in the king's provinces, and that it is mean to suggest such a thing, as that the fallery is too much.

I well know the fallery of governor, &c. is vastly short of the falleries of governors in the King's provinces; and if ever we in this colony expect to be governed by worthy and good men, as we ever have been, those offices must not be made lucrative, in a state where they are elected by the suffrages of a free people. When once those places are made lucrative, they may bid adieu to peace, harmony and concord. In the common and ordinary business of life, what will not men do for gain? They will run all risques in trade, hazard soul and body to gain wealth. And may we not expect, when honor and riches are both connected, ambitious men will stick at any thing to gain the prize? No, cabal and faction must and will succeed that harmony, peace and concord, for which

this

this colony has forever been eminently distinguished. Let these governors who partake of those distinguishing marks of Royal favour, glory in their wealth and grandeur; but let the governors of a free, charter colony, glory in deriving a free people, a common-wealth of farmers and mechanicks, from principles truly *Roman*; receiving only from the common-wealth they serve, a competency to live with a manly affluence and plenty, equal to the dignity of their station, compar'd with the circumstances of those they preside over, without diminishing their own private fortunes. But since the fallery of our governor has been thus doubled, in a time of profound peace, the same arguments will occur for an addition for extra services, should the next war, as was in the last, until we shall be thrown into cabal and faction, who shall gain the prize.

Thus, Sir, I have given you as faithful account of some of the principal matters you request to be inform'd of. There are some things remaining, which were nice and delicate in their own nature, and require to be treated accordingly, which I must defer to another opportunity, as neither my present state of health, or occasions, will permit me to enter upon them at this time, in which I will acquaint you as soon as time and opportunity will permit, in the mean time believe me to be, dear Sir,

With great respect and esteem,

Your most obedient, and

Most Humble Servant,

BE GALE

Killingworth,

25th July, 1769.